

MINUTES
(Subject to approval by the Council)

IDAHO COUNCIL ON INDIAN AFFAIRS
MARCH 21, 2011
CAPITOL BUILDING, ROOM C110
BOISE, IDAHO

Council members present were Council Chairman Representative Bob Nonini; Helo Hancock, representing the Coeur d'Alene Tribe at the request of Chief Allan, Chairman of the Coeur d'Alene Tribal Council; Delbert Farmer, representing the Shoshone-Bannock Tribes at the request of Nathan Small, the Chairman of the Fort Hall Business Council; McCoy Oatman, Chairman of the Nez Perce Council Executive Committee, representing the Nez Perce Tribe; Robert Bear, Chairman of the Shoshone-Paiute Tribes Business Council, representing the Shoshone-Paiute Tribes; Russell Westerberg, representing the Kootenai Tribe at the request of Jennifer Porter, the Chairwoman of the Kootenai Tribal Council; and Representative Wendy Jaquet. Absent and excused were Senator Edgar Malepeai, Senator James Hammond and David Hensley, Governor "Butch" Otter's representative. Paige Alan Parker of the Legislative Services Office was also present.

Also in attendance were Bill Roden, representing the Coeur d'Alene Tribe; David Kerrick and Darren Williams, representing the Nez Perce Tribe; Laverne Beech, Lynn Darrington and McKenzie M. Miller, representing the Shoshone-Bannock Tribes; Ron Beecher, Tribal Relations Program Manager, Idaho Department of Health and Welfare; JamieLou Delavan, Idaho Department of Health and Welfare; Mary Jane Oatman-Wak Wak, Indian Affairs Coordinator, Idaho Department of Education; Patty Sanchez, State Board of Education; Heidi Low and Molly Steckel, representing the American Cancer Society Cancer Action Network; Becky Schroeder, representing the Idaho Lottery; Skip Smyser, representing Altria Client Services, Inc.; Bob Uebelher, representing Connolly & Smyser, Ctd; Larry Spencer, representing DH Consulting Clients; Steve West, representing Reynolds America; Representative Sue Chew, representing Legislative District #17; Representative R.J. Harwood, representing Legislative District #2; Mitch Coffman, representing the Idaho Reporter; Dave Goins, representing Idaho News Service; and Betsy Russell, representing the Spokesman-Review.

Representative Bob Nonini, Council Chairman, called the meeting to order at 12:10 p.m.

Mary Jane Oatman-Wak Wak, the Indian Affairs Coordinator for the Idaho Department of Education, presented to the council on promoting the resource represented by Indian children. She informed the council that her office is addressing the academic achievement gap experienced by Indian children in Idaho. The Department of Education's efforts to address that achievement gap has been hampered by a lack of funding. The initial effort has been to focus on assessments. Some moneys have been received from the tribes and from grants. A program is being rolled out next year. **Ms. Oatman-Wak Wak** informed that there are now six

full-time certified tribal elders providing instruction in Idaho schools.

Ms. Oatman-Wak Wak complimented the Idaho Legislature for recognizing the two tribal schools in Idaho last year through HB240 (2010). She also urged the council to support the funding of tribal schools through the reauthorization of the federal Indian Education Act. **Ms. Oatman-Wak Wak** agreed to provide the council with information on federal appropriations for funding of the tribal schools.

Representative Wendy Jaquet asked if **Ms. Oatman-Wak Wak** had recently received national recognition. **Ms. Oatman-Wak Wak** disclosed that she has been elected as the President of the National Indian Education Association and was recently appointed to the National Advisory Council on Indian Education by **President Barack Obama**.

Representative Jaquet asked if **Ms. Oatman-Wak Wak** has attempted to utilize the services of the Idaho Education Network (IEN) in promoting the education services offered by tribal elders. **Ms. Oatman-Wak Wak** informed that she has discussed this matter with **Garry Lough**, the communications director for the IEN, and that the Department of Education is two to five years away from developing this program for the Idaho elementary schools.

Representative Jaquet asked how school district consolidation might affect the schools in Indian Country. **Ms. Oatman-Wak Wak** stated that the school districts with the highest percentage of Indian children will not be affected by consolidation. However, she expressed some concern regarding schools that are not currently meeting Annual Yearly Progress (AYP).

Representative Nonini asked if the two tribal schools are subject to AYP and how they are assessed. **Ms. Oatman-Wak Wak** replied that the State Board of Education and the Bureau of Indian Education have agreed to use the Idaho Standards Achievement Tests (ISAT) as the assessment tool for the tribal schools, but that comparison with tribal schools in other states is difficult for lack of a common assessment tool.

Delbert Farmer asked if the tribal schools have a language graduation requirement. **Ms. Oatman-Wak Wak** informed that only the Shoshone-Bannock Tribal School has such a graduation requirement.

Ron Beecher, the Tribal Relations Program Manager for the Idaho Department of Health and Welfare, addressed the council on Medicaid consultation agreements. A handout was distributed to the council members on this topic, which is available in the Legislative Services Office. There will be a meeting at the tribal center in Plummer, Idaho, on this topic on May 19, 2011. **Mr. Beecher** agreed to provide additional information on this meeting.

Representative Nonini asked **Helo Hancock** how the changes to the Idaho Medicaid program will affect the Coeur d'Alene Clinic. **Mr. Hancock** answered that the matter is currently under review. He informed that the Coeur d'Alene Clinic operates as a community

health center, providing services to 11,000 tribal and nontribal patients last year. **Mr. Beecher** added that the Medicaid cuts will affect both the clinic's tribal and nontribal patients.

Mr. Hancock reported that there have been no recent developments regarding the tribal law enforcement legislation since HB111 failed to pass the Idaho House of Representatives in February. The Coeur d'Alene Tribe is now proceeding to have its law enforcement officers receive federal certification.

Representative Nonini asked how federal certification will affect the ability of the tribal law enforcement officers to enforce laws against nontribal members. **Mr. Hancock** replied that nontribal members would be subject to arrest under federal law and prosecuted accordingly.

Heidi Low of the American Cancer Society Cancer Action Network (ACSCAN) discussed legislation the ACSCAN is proposing to increase the tax on cigarette packaging by \$1.25. **Ms. Low** stated that this proposed legislation will not affect tribal interests. The proposed legislation is currently under Attorney General review.

Representative Jaquet commented that the tribal cigarette tax would be somewhat lower than the state cigarette tax if the proposed legislation passes and that this will affect the tribes. She noted that the current legislative session may come to an end in the near term and wondered if this proposed legislation would be ready for presentation this year.

Representative Nonini asked the council's tribal representatives how the proposed cigarette tax would affect them. **Mr. Farmer** stated that whatever the state of Idaho does to raise revenues is fine, as long as it does not impact the Shoshone-Bannock Tribes. **Mr. Farmer** wondered if the proposed tax increase was a taxing issue or a pricing issue. **Russell Westerberg** stated that the Kootenai Tribe has a policy of pricing tobacco products sold on the reservation at the same price as off-reservation sales. **Robert Bear** stated that the Shoshone-Paiute Tribes agree with the Shoshone-Bannock Tribes and noted that the Idaho tribes are being affected by federal budget cuts similar to that being experienced by the state of Idaho. **McCoy Oatman** asked to be informed if the proposed legislation will go forward this year, since it would affect the Nez Perce Tribe.

Representative Nonini asked if the proposed legislation directs where the increased revenue will go. **Ms. Low** stated that the revenues will be directed towards Medicaid.

Mr. Westerberg asked why the proposed legislation is being reviewed by the Attorney General. **Molly Steckel** replied that **Representative Dennis Lake**, the Chairman of the House Revenue and Taxation Committee, has asked for review by the Attorney General and the Idaho Tax Commission. This review should be completed in the near future. **Mr. Hancock** asked whether the ACSCAN would be willing to share the proposed legislation with the council members once the reviews are completed. **Ms. Low** answered that she would.

Representative Nonini reported that, in response to the council's vote at its last meeting,

he sent a letter on behalf of the council to **Representative Lake** on February 23, 2011, regarding HB196's taxation of cigarettes on Idaho Indian reservations. Since that letter was sent, no further action has been taken on that legislation. A copy of that letter is available at the Legislative Services Office.

Representative Jaquet stated that she had the Attorney General prepare a critique of HB196, which she distributed to the council members. A copy of that February 28, 2011, Attorney General Memorandum is available at the Legislative Services Office. She does not know if HB196 will go forward in this session. **Mr. Oatman** commented that the tribes should be prepared, if it does.

Mr. Farmer commented that of the eleven western states, the Idaho cigarette tax is the lowest. **Representative Nonini** commented that some eastern states have lowered their cigarette taxes in an effort to increase tax revenues. **Representative Jaquet** noted that higher cigarette taxes have the effect of lowering usage and thus reducing medical costs.

In other business, **Mr. Farmer** commented that the tribes need to be recognized as independent governments. He commented that due to the decline in mining activity on the Fort Hall Reservation, tax revenues for the Shoshone-Bannock Tribes have declined. These tax revenues have been used wisely. **Mr. Farmer** expressed the hope that legislators visit the reservations.

Representative Nonini suggested that rather than schedule a council meeting at this time, the council members remain in touch with the intent that its next meeting be scheduled in the fall, in anticipation of the 2012 legislative session.

Chairman Nonini adjourned the meeting at 12:50 p.m.